

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 20-cr-252 (WMW/TNL)

Plaintiff,

v.

ORDER

Ryan Matthew Muehlberg (7),

Defendant.

This matter comes before the Court on the Government's Unopposed Motion to Extend Motions Response Deadline and Continue Motions Hearing. Mot., ECF No. 427.

On September 15, 2022, Defendant Ryan Matthew Muehlberg filed his pretrial motions, including a motion to suppress evidence obtained by electronic surveillance and a motion to suppress evidence obtained as a result of searches and seizures. Mot. ¶ 1; *see also* ECF Nos. 413-18. The deadline for the Government to file its response to Defendant's motions is September 29, 2022, and the motions hearing is scheduled for October 18, 2022. Mot. ¶ 1; *see also* ECF No. 408.

The Government moves to extend its response deadline to October 27, 2022, and to continue the trial to a date thereafter. Mot. ¶ 6. The Government contends that it "has made a plea offer that is conditioned on acceptance prior to a motions hearing. However, the parties are still negotiating elements of the proposed plea agreement." Mot. ¶ 2. The Government argues that the parties require additional time for negotiations related to a possible plea agreement and to prepare for a motions hearing should one be necessary.

Mot. ¶ 4. Further, the Government notes that counsel for Defendant is scheduled to be in a trial in another matter the week of October 18, 2022, and counsel for the Government is scheduled to be in trial in another matter on October 24, 2022. Mot. ¶ 3. Defendant has no objection to the requested continuance. Mot. ¶ 5.

Additionally, beginning on March 13, 2020, and continuing thereafter, the Chief District Judge for the United States District Court for the District of Minnesota, has issued a series of General Orders in connection with the COVID-19 pandemic, addressing, among other things, criminal proceedings and trials.¹ On September 14, 2022, Chief Judge Patrick J. Schiltz entered General Order No. 39, which allows limited in-person proceedings for defendants who decline to consent to conducting the proceeding using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available. *See generally In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 39 (D. Minn. Sept. 14, 2022). General Order No. 39 states that because only limited in-person proceedings may be held each day, criminal proceedings may be continued until the date that the criminal proceeding takes place. General Order No. 39 further provides that the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act to address delays attributable to COVID-19.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy

¹ All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.

trial and such continuance is necessary to provide the parties reasonable time necessary for negotiations related to a possible plea agreement, effective preparation, and to make efficient use of the parties' resources. Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Government's Unopposed Motion to Extend Motions Response Deadline and Continue Motions Hearing, ECF No. 427, is **GRANTED**.

2. The period of time from **September 27 through November 14, 2022**, shall be excluded from Speedy Trial Act computations in this case.

3. All responses to motions shall be filed by **October 27, 2022**. D. Minn. LR 12.1(c)(2).

4. Any Notice of Intent to Call Witnesses shall be filed by **October 27, 2022**. D. Minn. LR. 12.1(c)(3)(A).

5. Any Responsive Notice of Intent to Call Witnesses shall be filed by **November 1, 2022**. D. Minn. LR 12.1(c)(3)(B).

6. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary;
or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

7. **If required, the motions hearing shall take place before the undersigned on November 14, 2022, at 9:00 a.m., in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).**

8. **TRIAL:**

a. **The following trial and trial-related dates are:**

All motions in limine and proposed voir dire and jury instructions are due in District Judge Wilhelmina Wright's chambers at least 21 days before trial begins. Counsel are advised that a pretrial notice will issue that will include additional deadlines.

Judge Wright will hold a pretrial on **November 22, 2022, at 1:00 p.m.** in Courtroom 7A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

This case must commence trial on **November 30, 2022, at 9:00 a.m.** before Judge Wright in Courtroom 7A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for Judge Wright to confirm the new trial date.**

Dated: September 28, 2022

s/Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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